



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/461,565	12/14/1999	STEVEN ERICSSON ZENITH	MS-148615.1	3972

22913 7590 05/23/2003

WORKMAN NYDEGGER & SEELEY
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

TRAN, MYLINH T

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 05/23/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/461,565	STEVEN ERICSSON ZENITH
	Examiner Mylinh T Tran	Art Unit 2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on RCE filed 03/15/03.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-3,5-13,15-21,26-28 and 30-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-3,5-13,15-21,26-28 and 30-33 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____.
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Applicant's RCE filed 03/15/03 has been entered and carefully considered. Claims 1, 11 and 26 have been amended. Claims 4, 14, 22-25 and 29 have been cancelled. However, limitations of amended claims have not been found to be patentable over prior art of record and newly discovered prior art, therefore, claims 1-3, 5-13, 15-21, 26-28 and 30-33 are rejected under the new ground of rejection as set forth below.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 5-13, 15-21, 26-28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison [US. 5,694,163] in view of Celebiler [US. 6,195,094].

As to claims 1, 11, 20, 26 and 30, Harrison discloses receiving a video signal at the device (see abstract and column 2, lines 53-67). Harrison cites "...A television program is combined with the associated data at a broadcast transmitter. The encoded television signal is broadcast..." read as the video signal; receiving at the device one or more chat communications corresponding

to the video signal (column 2, lines 55-65). Harrison also cites "...their personal computers over a telephone network with an on-line service that provides a chat capability...A chat formatter at this server formats and transmits the chat over an associated data channel..." read as the user interface device chat communications; displaying the video signal and the one or more chat communications on the display in a first mode (figure 2, (214)) such that the video signal is displayed in a first frame (figure 2, (216)) that has a corresponding size and position on the display and such that the one chat communication are displayed in a second frame that has a corresponding size and position on the display (figure 2, (226)) and see column 4, lines 22-49). The difference between Harrison and the claim is a link to a second display mode that is different that the first display mode, such that when the link is selected, at least one of the size and position of at least the second frame changes.

Celebiler shows the link (figure 4, 406, 407) to the second mode. The first mode includes at least 2 frames (windows) (figure 4, 402, 405); when a link (the button 406 on the splitter bar 407) is selected, a second is different than the first mode. Applicant's attention is directed "The user can simply click on the button 406 on the splitter bar 407, which separates the message list pane 402 from the message display pane 405 and it will close the message display pane 405, giving the user the whole window space to see the list of messages 402" column 4, lines 1-15. Therefore, the first mode should be two windows (402, 405) before dragging the splitter bar (407) and the second mode should be after

dragging the splitter bar. It would have been obvious to one of ordinary skill in the art, having the teachings of Harrison and Celebiler before them at the time the invention was made to modify the video signal and the chat communication on the display taught by Harrison to include the link to the second mode of the display of Celebiler, with the motivation being to allow user to be able to watch various display modes by adjusting the screen layout as taught by Celebiler.

As to claims 2 and 12, Harrison also discloses the video signal is a television show (column 2, lines 53-67).

As to claims 3 and 13, Harrison teaches the chat communications is text (see abstract and column 2, lines 54-68).

As to claims 5 and 15, Celebiler shows the chat overlies a portion of the video signal (figure 4).

As to claims 6 and 16, Harrison also shows changing the video signal receive a different channel, and in response to the different channel sending a request to a server for different chat communication corresponding to the different channel (column 6, lines 40-60).

As to claim 7, Celebiler demonstrates actuating the link and thereby interpreting a document having display attributes corresponding to the second mode (column 3, line 16 through column 4, line 13).

As to claims 8 and 18, Harrison also demonstrates displaying an area on the display for sending information relating to the video signal or one or more chat communications (column 4, line 50 through column 5, line 7).

As to claims 9 and 19, Harrison discloses displaying an area the display for scrolling through the one more chat Communications (column 2, lines 31-51).

As to claims 10, 21, 31 and 33, while Harrison shows a television markup language and document that represents the second display mode and rendering the document to display the video signal and one or more chat communications in accordance with the second display mode, Celebiler shows the selecting the link (figure 4, 406, 407).

As to claim 17, the claim is analyzed as previously discuss with respect to claims 7 and 11.

As to claim 27, Harrison shows the video comprises a television show (column 2, lines 30-36).

As to claim 28, Harrison also shows changing the video to a different channel, and in response to the different channel sending a request to a server for different cha corresponding to the different channel (column 2, lines 23-32).

As to claim 32, Harrison teaches instruction for displaying an area on the display for scrolling through the chat (column2, lines 38-48).

Response to Arguments

Applicant's arguments with respect to claims 1, 11 and 26 have been considered but are moot in view of the new ground of rejection.

Conclusion

Responses to this action should be mailed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231. If applicant desires fax a response,

(703) 746-7238), may be used for formal After Final communications, (703) 746-7239 for Official communications, or (703) 746-7240 for Non-Official or draft communications. NOTE, A Request for Continuation (Rule 60 or 62) cannot be faxed.

Please label "PROPOSED" or "DRAFT" for information facsimile communications. For after final responses, please label "AFTER FINAL" or "EXPEDITED PROCEDURE" on the document.

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Fourth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mylinh Tran whose telephone number is (703) 308-1304. The examiner can normally be reached on Monday-Thursday from 8.00AM to 6.30PM

If attempt to reach the examiner by telephone are unsuccessful, the examiner 's supervisor, Kristine Kincaid, can be reached on (703) 308-0640,

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Art Unit: 2174

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3800.

Mylinh Tran

Art Unit 2174

Kristine Kincaid
KRISTINE KINCAID
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100